

UNITED STATES DISTRICT COURT  
for the

Western District of North Carolina

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of  the defendant  the Director of the Bureau of Prisons  the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

## **I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)**

**Previous Offense Level:** \_\_\_\_\_ **Amended Offense Level:** \_\_\_\_\_

Criminal History Category: \_\_\_\_\_ Criminal History Category: \_\_\_\_\_

Previous Guideline Range: \_\_\_\_\_ to \_\_\_\_\_ months Amended Guideline Range: \_\_\_\_\_ to \_\_\_\_\_ months

## II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

The reduced sentence is within the amended guideline range.

The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

■ Other (explain): The defendant is not eligible for a reduction under Amendment 706 since the offense involved more than 4.5 kilograms of crack cocaine. The defendant was held responsible for over 40 kilograms of crack cocaine.

### III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated December 9, 1999 shall remain in effect.

## IT IS SO ORDERED.

Order Date: June 29, 2009

Effective Date: \_\_\_\_\_  
(if different from order date)

Graham C. Parker

Graham C. Mullen  
United States District Judge

